CLASS B

App. F IX—4

1963
(Forests)

File No. AD 5 FAF 63

Previous References

Serial Nos.

Later References

Agriculture & Forest Department.

THE MYSORE GOVERNMENT SECRETARIAT

Serial Nos.

Part B for

SUBJECT

Reservation of forest Block, Kalbhavi & Chincholi, Distt. Gulbarga.

(X)

WD 3453—GYB—60,000—1-5-61

18-1-63
18-6-63

FOR/NOT FOR NOTE BOOK
UNDER SECRETARY

28/1
Under Secretary to Govt.

ನಿರ್ವಹಣಾಧಿಕಾರಿ,
ಅರಣ್ಯ, ಬ.ಪ ಯೋಜನೆ ಬಿಂದು
ಶಾಸ್ತ್ರ ಇಲಾಖೆ (ಅರಣ್ಯ-ಬಿ)

1.4.64

Serial No.

Letter no. B6-21-1541/58 of 9-1-63 of the C.C.F. C. no. 349/63.

I paid is for perusal. The C.C.F has Subd., Offr notifn. u/s 4 of the H.F.A., in respect of forest Block Kalbhavin, Chincholi Tq., for publication.

In this connection, it may be pointed out that in clause 4 of the Offr notifn., the appellate authority has been indicated as Divl Commr., Gulbarga as per the provision contained in Sec 16 (a) of the H.F.A., But the F.S.O., Gulbarga reports that the Judicial powers of the Divl Commr., have been delegated to the Mysore Revenue

Note.—Contn. Sheet

Appellate Tribunal. Hence it is for consideration of Govt., whether the mention made in clause 4 of the draft notification is in order or not. The Divl. Commr, has approved the proposal of the F.S.O. u/s 4 of the H.E.A.,

However, before we issue the draft notification may be referred to L.D. for clarification

× 'A' portion

QR
18/1/63

7. to advise.

3-19/1

L.D)

JR
19/1/63

MYSORE GOVT. SECRETARIAT
24 JAN 1963

LAW DEPARTMENT.

3) In paragraph 4 of the draft, the Divisional Commissioner, Gulbarga, is appointed under section 16(a) of the Hyderabad Forest Act to hear appeals from any orders passed by the Forest Settlement Officer under sections 10

Bne 22/1 A.S.(O.I)
mvk 23/1
Sr. Clk
Bne 23/1

71 LAW VII /63

Serial No.

and 11 of the said Act. Section 16(a) provides that the appeal should be preferred to the Forest Court established under section 17 and if such Court has not been established, to the Subedar. By the Mysore Adaptation of Laws Order the term 'Subedar' in section 16 is substituted by the expression "the Mysore Board of Revenue". By section 4(1) of the Mysore Revenue Appellate Tribunal Act, 1957, any reference to any law to the Mysore Board of Revenue shall be considered as a reference to the Mysore Revenue Appellate Tribunal. By virtue of these provisions, the Appellate Authority should be the Mysore Revenue Appellate Tribunal, if a Forest Court in the area has not been established. The Administrative Secretariat may, therefore, kindly verify the position and revise the draft suitably.

SECRETARIAT 3 2 MAR 1963 FOREST DEPT.

MNR
Advocate) 2/3

4) Ref: para 3 n/7.
JR 4/3/63 d/f letter to CF to verify the position & to revise the draft as put up
CR
5/3/63

Issue
JR
11/3/63

Issued on 14 MAR 1963

Sec.
4/3

Note.—Contn. Sheet

4 MAR 1963

File No. AFD 5 FAE of 1953

Mysore Government Secretariat

Serial No. 316 LAW VII/63

Letter No. Nb-21-1571/57 & 27-3-63 of the CCF

put up for perusal. 5

In view of the report of the CCF revised typed draft is put up for approval

OR

4/4/63

Draft Notifications as scrutinised by L.D may be approved. This is to notify the declaration of an area of 612-24 A G. in Kalebhavi Village in Chincholi Tq with the concurrence of L.D. as a Reserve Forest under Section 4 of Hyderabad Forest Act as in force in the Hyderabad area. 6

L.D) JHR 6/4/63

Law Secy

draft is revised

Addl Secy) MML 17/5

M. L. KAMASWAMI,
Under Secretary, Law Dept.

MYSORE GOVT. SECRETARIAT 316 8 APR 1963 LAW DEPTT REGISTRY

Sec C.S/5 DI

JR 8/4/63 MML 8/4

Sec C.K.R JR 9/4/63

JR 20/5/63

MYSORE GOVT. SECRETARIAT 327 20 MAY 1963 REVL. & FOREST DEPT. (JUDICIAL SECTION)

8) The draft notification as approved and

WD 01774—GPB—PZS—800,000—26-10-57

AFD 5 FAF 63 6.

verified by L.D may now be issued.

@R
21/5/63

9) Draft Notification may be approved. (Paras 6 & 7 of N.7.)

DR
23/5/63

D.S.

V. [illegible]
Deputy Secretary,
Agriculture and Forest Department.

Secy

24/5

28.5

Issue
DR
28/5/63

Issued on 18.6.1963
18/6/63

D
18/6/63

9.H.
19/6.

No. B-6-21-1571/58

Enc. 4

Office of the Chief Conservator of Forests in Mysore, Bangalore,
Dated 9 January 1963.

To

The Secretary to Government,
Agriculture & Forest Department,
Bangalore.

10/1/63

Sir,

Sub:-Reservation of Forest Block Kalbhavin, Taluka Chincholi, District Gulbarga - Draft Notification under Section 4 of the Hyderabad Forest Act of 1355 F.

I enclose herewith a draft notification under Section 4 of the Hyderabad forest Act in respect of Forest Block Kalbhavin, Taluka Chincholi, District Gulbarga for favour of publication in the Mysore Gazette.

In clause 4 of the draft notification, the appellate authority has been indicated as Divisional Commissioner Gulbarga, as per the provision contained in Section 16(a) of the Hyderabad Forest Act. But the Forest Settlement Officer, Gulbarga reports that the judicial powers of the Divisional Commissioner have been delegated to the Mysore Revenue Appellate Tribunal. So, it is for the consideration of Government, whether the mention made in the draft notification is in order or requires change. A copy of the forest Settlement Officer Gulbarga's No. RFT-12-39-62-63 dated 23/24-11-1962 is enclosed herewith for perusal. The Divisional Commissioner Gulbarga has approved the above proposal under section 4 of the Hyderabad Forest Act.

Government may therefore, kindly be moved to issue the above draft notification for publication in the Government Gazette with directions to the compiler of Gazette to supply 25 copies of the printed notifications to the Divisional Forest Officer, Gulbarga for wide Publicity.

Yours faithfully,

Chief Conservator of Forests.

KCS/

Typed alt

RGN 4/c

- 3 - 8

NOTIFICATION UNDER SECTION 4 OF HYDERABAD FOREST ACT NO.2 1355F.

Notification

In exercise of the powers conferred by Sec. 4 of the Hyderabad Forest Act, No.2 of 1355F as in force in Hyderabad area, the Governor of Mysore hereby declares that it is proposed to constitute the following land falling within the boundaries described hereunder as Reserved Forest from the date of publication of the notification in the official Gazette.

Schedule

Its total area (612 acres 24 guntas)

Name of the village	Nature of land.	Sy Nos. included in block	Area in acres.
Kalbhavin	Paramboke	92	197-13
"	Gairan	91	254-28
"	Patta	69 to 74	30-05
"	"	75-77	8-08
"	"	78,87,89,90	25-30
"	"	82	7-22
"	"	83-86	17-20
"	"	79	20-38
"	"	85	16-17
"	"	84	8-12
"	"	80 and 81	8-37
"	"	88	16-34
	Total		612-24

BOUNDARY

North A-B: The boundary line starts from the point A in the corner Sy.No.32 including Sy.No.91 Gairan 254 Ac 24Gs and excluding Sy.No.32.34,66,67,68, and including patta Sy.No.69 to 74,75 to 77, 78,87,89,90,82,83,86,79,85,84,80,81 and 88 of Kalbhavin village and along with the village boundary and reaches the point B as shown in the map.

East- B-C: The boundary line starts from the point B along the village boundary line Chitlinghdhalli and including Sy.No.92 PP, and reaches the point C as shown in the map

South C-D: The boundary line starts from the point C along the boundary line Chitlingdhalli and excluding Sy. No.94,98,97,59 and reaches the point D in the corner Sy. No. 55 as shown in the map.

West D-A: The boundary line is passing in the Sy.No.91 Gairan and leaving 70 acres for gairan purposes and reaches the point A as shown in the map.

~~xxx-~~
~~xxxxxxxxxxxxxxxxxx~~

~~Chief Conservator of Forests, Mysore, State, Bangalore.~~ ~~Under Secretary to Govt. Agriculture & Forest Department, Bangalore.~~

2. Under clause (c) of sub-section (1) of the said section 4, the Government of Mysore appoints the Forest Settlement Officer, Gulbarga to enquire into and determine the existence, nature and extent of any rights claimed by or alleged to exist in favour of any person in or over the land comprised within the limits given

P.T.O

given in the said schedule or to any forest produce of such lands and to deal with the same as provided in chapter II of the said Act.

3. The Governor of Mysore appoints the District forest Officer, Gulbarga for the time being to be forest Officer who shall attend on behalf of government at the enquiry to be made by the said forest Settlement Officer.

Mysore Revenue Tribunal A1

4. Under the authority vested in him by Section 16(a) of the said Act the Governor of Mysore appoints the ~~Divisional Commissioner, Gulbarga~~ to hear appeal from any orders passed by the Forest Settlement Officer under sections 10 or 11 of the said Act.

kcs/

"XXXXXXXX"

Chief Conservator of Forests,
Mysore, State Bangalore.

Under Secretary to Government
Agriculture & Forest Dep-artment
Bangalore.

10 5

GOVERNMENT OF MYSORE.

Copy of letter N..RFT-12/39/62-63, dt. 23/24-Nov.1962 from the Forest Settlement Officer, Gulbarga addressed to the Divisional Forest Officer, Gulbarga and copied to the Conservator of Forests, Bellary.

Sub:-Reservation of Forest Block Kalbhavin, Taluk Chincholi, Dist.Gulbarga - Draft Notification under Section 4 of the Hyderabad Forest Act of 1355Fasli.

Ref:-Your letter No.Sv.C-101/30/54 dt.2nd Nov.1962.

Sir,

In reply to your above referred letter I have to give the following information on the points raised by the Chief Conservator of Forests, Bangalore in the case.

1. APPOINTMENT OF FOREST SETTLEMENT OFFICER UNDER CLAUSE 4 (C) OF THE HYDERABAD FOREST ACT.

The Forest Settlement Officer has been appointed through Government Order No.AFD-258-FEG-59 dt. 28-7-1960 for a period of two years at a first instance. This period has been further extended for another two years by Govt. Order No.AFD 146 FNG 62 dt. 23rd Oct. 1962.

2. APPOINTMENT OF A FOREST OFFICER.

Usually the Forest Range Officer is attending the enquiry on behalf of the Divisional Forest Officer, being made by the Forest Settlement Officer.

3. APPOINTMENT OF DEPUTY COMMISSIONER OF THE DISTRICT OR DIVISIONAL COMMISSIONER TO HAR APPEALS FOR ANY ORDERS PASSED BY THE FOREST SETTLEMENT OFFICER UNDER SECTIONS 10 & 11.

Under Section 16 (a) any appeal against the order passed by the Forest Settlement Officer is to be preferred to the forest court constituted under section 17 and if no such court is constituted this appeal will have to be preferred to the "SUBEDAR" i.e. the Divisional Commissioner In this area no court has been constituted by the Government. Therefore, the appeals of the Forest Settlemtn Officer will be heard by "SUBEDAR".i.e.the Divisional Commissioner. But as the Divisional Commissioner has no appellant powers of any kind these powers have been delegated to the Mysore Revenue Appelate Tribunal. Therefore the appeals of the Forest Settlement Officer will have to be preferred to the Mysore Revenue Appelate Tribunal.

On 20-7-1949 through G.O.No.26 the Government of Hyderabad abolished the post of "SUBEDAR" (Divisional Commissioner) and created Board of Revenue, which came into existance on 1-8-1949. The Government of Hyderabad through Notification No.14 dated 7-8-1949 has authorised Board of Revenue to exercise and perform all the powers and duties of " SUBEDAR" mentioned in the Hyderabad Land Revenue Act or in any other Act for the time being in force With this notification of the Government the appealant powers of the Subedars under Sec.16 (a) of the Hyderabad Forest Act have been automatically transferred to the Board of Revenue.

With the Re-organisation of the States the Office of the Board of Revenue was again abolished in the the Hyderabad Kanatak area and a post of Divisional

P.T.O

Divisional Commissioner was created who was authorised to exercise the powers and perform the duties of the Board of Revenue . But the powers of the Board of Revenue have been divided into two categories.

1) Administrative powers
2) Judicial powers.

The Divisional Commissioner,Gulbarga has been delegated almost all the Administrative powers of Board of Revenue with some minor changes.

The Judicial powers, i.e. the appellant power under various Acts have been delegated to the Mysore Revenue Appellate Tribunal.

Therefore, the appellant authority who will be empowered to hear the appeals against the orders of the Forest Settlement Officer, will be Mysore Revenue Appellate Tribunal.

This is for your information and necessary action.

Yours faithfully.

sd/-
Forest Settlement Officer
Gulbarga.

True copy

sd/-

Divisional Forest Officer.

kcs/

JHADTI ZAMIN STATEMENT OF VILLAGE Kalbhavin. TALUQUA: Chincholi. RANGE: Chincholi DIVISION. GULBARGA.

Sl. No.	Name of the village with Taluqua.	Total area of the village	Total area of the cultivated land	Government land			Area included in			Area to be reserved i.e. Gairan as per Circular No. 13	Area unreserved after deduction	Remarks
				Nature of land	Sy. No.	Area in acres	Nature of land	Sy. No.	Area in acres			
1	2	3	4	5	6	7	8	9	10	11	12	13
19	Kalbhavin. Tq:- chincholi	1888-36	1305-20	P.P.	41	5-29	—	—	—	5-29	—	
				"	49	5-16	—	—	—	5-16	—	
				"	61	0-30	—	—	—	0-30	—	
				"	92	197-13	P.P.	92	197-13	—	—	
				"	105	4-35	—	—	—	4-35	—	
				"	108	0-25	—	—	—	0-25	—	
				"	117	7-23	—	—	—	7-23	—	
				"	55	7-23	—	—	—	7-23	—	
				"	62	1-06	—	—	—	1-06	—	
				"	98	1-03	—	—	—	1-03	—	
				"	100	13-35	—	—	—	13-35	—	
				Gairan.	91	324-28	Gairan.	91	254-28	70-00	—	
				Gothan.	—	6-11	—	—	—	6-11	—	

1	2	3	4	5	6	7	8	9	10	11	12	13. 12,
				Tracks.	—	8-05	—	—	—	8-05	—	
	Total.	1888-36	1305-20	—	—	583-16	—	—	452-11	133-29	—	
							Patta	69 to 74	30-05	—	—	
							"	75 to 77	8-08	—	—	
								1178; 87.89 x 90	25-30	—	—	
							"	82	7-22	—	—	
							"	83-86	17-20	—	—	
							"	79	20-38	—	—	
							"	85	16-17	—	—	
							"	84	8-12	—	—	
							"	80; 81	8-37	—	—	
							"	88	16-34	—	—	
			Total area of patta lands included in proposed Forest.				—		160-23			
Grand Total.		1888-36	1305-20	—	—	583-16	—	—	~~451-11~~ 612-24	—	—	

Divisional Forest Officer Gulbarga. 4/8/62

87

AFD 5 FAF 63

Draft for Approval.

To

C.C.F.,

Sub:- page 1 c / f

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With reference to your letter No.B6.21 - 1571/58 dated 9-1-1963, on the above subject, I am directed to state that in paragraph 4 of the Draft Notification submitted by you for consideration of Government, the Divisional Commissioner, Gulbarga is appointed under Section 16(a) of the Hyderabad Forest Act to hear appeals from any orders passed by the Forest Settlement Officer under Sections 10 & 11 of the said Act. But Section 16(a) provides that the appeal should be preferred to the Forest Court established under Section 17 and if such Court has not been established, to the Subedar. By the Mysore Adaptation of Laws Order, the term 'Subedar' in Section 16 is substituted by the expression 'the Mysore Board of Revenue'. But Sec.4(i) of the Mysore Revenue Appellate Tribunal Act, 1957, any reference in any law to the Mysore Board of Revenue shall be considered as a reference to the Mysore Revenue Appellate Tribunal. By virtue of these provisions, the Appellate Authority should be the Mysore Revenue Appellate Tribunal, if a Forest Court in the area has not been established.

Hence, I am to request you to please verify the position and revise the Draft Notification suitably. The Enclosures are returned herewith for re-submission after verification to Government for further action.

Y.F.,

U.S., A&F

15 11

No.B-6/21-1571/58. Office of the
Chief Conservator of Forests
in Mysore, Bangalore.
Dated, March, 1963.

Enc. one draft notification.

To

The Secretary to Government,
Agriculture & Forest Department,
Bangalore.

MYSORE GOVT. SECRETARIAT * AGRL. & FOREST DEPT. (TAPPAL SECTION) * No 5 28 MAR 1963

Sub:-Reservation of Forest Block Kalbhavin, Taluka Chincholi, Dist. Gulberga - Draft notification under Section 4 of the Hyderabad Forest Act of 1355 F.

Ref:-Government letter No.AFD 5 FAF 63 dated 14-3-63.

It has already been reported by the Forest Settlement Officer, Gulberga in his letter accompanying the draft notification, that no forest court has been constituted in the area by Government. The appellate authority in para 4 of the draft notification has now been corrected to read "Mysore Revenue Appellate Tribunal".

The draft notification is resubmitted.

Yours faithfully,

25/3

Chief Conservator of Forests.

MYSORE GOVERNMENT SECRETARIAT NO. 29 MAR 1963 2746/63 FOREST BRANCH

Sri K.C.R.

DRAFT NOTIFICATION FOR APPROVAL

12

16

NOTIFICATION

In exercise of the powers conferred by Section 4 of the Hyderabad Forest Act, 1355 F(Act. No.1355F) as in force in the Hyderabad Area, the Government of Mysore hereby declares that it is proposed to constitute the ~~following~~ land falling within the boundaries described in the schedule ~~given~~ below as reserved forest from the date of publication of the notification in the Mysore ~~official~~ Gazette.

SCHEDULE

~~(Its total area (612 acres 24 guntas)~~

Name of the village	Nature of land	Survey Nos. included in block.	Area in acres.
Kalbhavin	Parampoke	92	197-13
"	Gairan	91	254-28
"	Patta	69 to 74	30-05
"	"	75 to 77	8-08
"	"	78,87,89,90	25-30
"	"	82	7-22
"	"	83 to 86	17-20
"	"	79	20-38
"	"	85	16-17
"	"	84	8-12
"	"	80 and 81	8-37
"	"	88	16-34
		Total	612-24

Please place B at B end at "A"

BOUNDARY

North A-B: The boundary line starts from the point A in the corner Sy.No.32 including Sy.No.91 Gairan 254 Ac. 24 Gs. and excluding Sy.No. 32,34,66,67,68 and including patta Sy.No.69 to 74, 75 to 77, 78, 87, 90, 82,83,86,79,85,84,80,81 and 88 of Kalbhavin village and along with the village boundary and reaches the point B as shown in the map.

East B-C: The boundary line starts from the Point B. along the village boundary line Chilinghdhalli and including Sy.No. 92 PP and reaches the point C as shown in the map.

South C-D: The boundary line starts from the point C along the boundary line Chitlingdhalli and excluding Sy.No.94,98,97,59 and reaches the point D in the corner Sy.No.55 as shown in the map.

West D-A: The boundary line is passing in the Sy.No.91 Gairan and leaving 70 acres for gairan purposes and reaches the point A as shown in the map.

2. Under clause (c) of Sub-Section(1) of the said Section 4, the Government of Mysore appoints the Forest Settlement Officer, Gulbarga to enquire into and determine the existence, nature and extent of any rights claimed by or alleged to exist in favour of any person in or over the said land ~~comprised within the limits given in the said schedule~~ or to any forest produce ~~of such lands~~ therein and to deal with the same as provided in Chapter II of the said Act.

3. The Governor of Mysore appoints the District Forest Officer, Gulbarga for the time being to be Forest Officer who shall attend on behalf of Government at the enquiry to be made

17. 13

by the said Forest Settlement Officer.

4. ~~Under the authority vested in him by section 16(a)~~ In pursuance of clause (a) of section 16 of the said Act, the ~~Governor~~ Government of Mysore hereby appoints the Mysore Revenue Appellate Tribunal to hear appeal from any orders passed by the Forest Settlement Officer under sections 10 or 11 of the said Act.

"A" (Schedule not entered here land)

By Order and in the name of the Governor of Mysore,

SECRETARY TO GOVERNMENT,
Agriculture and Forest Department.

6|

To

The Compiler, Mysore Gazette, Bangalore, for publication in the Gazette.

2/5/4 Copy to the C.C.F. for information.

2) Dept Conservator, Gulbarga

3) DC, Gulbarga

4) C.F. Belgaum

5) R.O

6) W/f

15/6

PROPOSED FOREST BLOCK MAP OF KALBHAVIN VILL- AGE OF CHINCHOLI TRAK & RANGE.

Scale 8 = 1 Mile

Total 6[illegible]

Govt land 5[illegible]

Pvt land 1[illegible]

[illegible]

Blue Gum Hill adj. village Boundary

Village Boundary

Forest boundary line

Cairn area

Path lands

REFERENCE

GOVERNMENT OF MYSORE

19

No. AFD 5 FAF 63

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore-1,

Dated: 18.6.63

NOTIFICATION

In exercise of the powers conferred by section 4 of the Hyderabad Forest Act, 1355 F (Act No. II of 1355 F) as in force in the Hyderabad Area, the Government of Mysore hereby declares that it is proposed to constitute the land falling within the boundaries described in the schedule below as reserved forest from the date of publication of the notification in the Mysore Gazette.

2. Under clause (c) of sub-section (1) of the said section, the Government of Mysore appoints the Forest Settlement Officer, Gulbarga to enquire into and determine the existence, nature and extent of any rights claimed by or alleged to exist in favour of any person in or over the said land or to any forest produce therein and to deal with the same as provided in Chapter II of the said Act.

3. The Government of Mysore appoints the District Forest Officer, Gulbarga for the time being to be the forest Officer who shall attend on behalf of Government at the enquiry to be made by the said Forest Settlement Officer.

4. In pursuance of clause (a) of section 16 of the said Act, the Government of Mysore hereby appoints the Mysore Revenue Appellate Tribunal to hear appeal from any orders passed by the Forest Settlement Officer under sections 10 or 11 of the said Act.

SCHEDULE

Name of the village	Nature of land	Survey Nos. included in block	Area in acres
Kalbhavin	Parampoke	92	197-13
"	Gairan	91	254-28
"	Patta	69 to 74	30-05
"	"	75 to 77	8-08
"	"	78,87,89,90	25-30
"	"	82	7-22
"	"	83 to 86	17-20
"	"	79	20-38
"	"	85	16-17
"	"	84	8-12
"	"	80 and 81	8-37
"	"	88	16-34
		Total:	612-24

-: Boundary :-

North A-B: The boundary line starts from the point A in the corner Sy.No.32 including Sy.No.91 Gairan 254 Ac. 24 Gs. and excluding Sy. No. 32,34,66, 67,68 and including patta Sy.No.69 to 74, 75 to 77, 78,87, 90,82,83,86,79,85,84,80,81 and 88 of Kalbhavin village and along with the village boundary and reaches the point B as shown in the map.

East B-C: The bojndary line starts from the Point B. along the village boundary line Chilinghdhalli and including S.No.92 PP and reaches the point C as shown in the map.

...2

South C-D: The boundary line starts from the Point C along the boundary line Chitlingdhalli and excluding Sy.No.94,98,97,59 and reaches the point D in the corner Sy.No.55 as shown in the map.

West D-A: The boundary line is passing in the Sy.No.91 Gairan and leaving 70 acres for gairan purposes and reaches the point A as shown in the map.

By Order and in the name of the
Governor of Mysore,

J.S.Ramaiya
(T.S.Ramaiya)
Under Secretary to Government,
Agriculture and Forest Department.

PR 1816

To

The Compiler, Mysore Gazette, Bangalore for publication in the Gazette.

He is also requested to supply 25 printed copies of the printed Notification to the Divisional Forest Officer, Gulbarga for wide publicity.

RN.
31/5

Copy to the Chief Conservator of Forests in Mysore, Bangalore for information.